

(PCT Article 36 and Rule 70)

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/014231

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-25 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-4, 6-23 received by this Authority on 28.04.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets fig. 1-13 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☒ the claims, nos. 5
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-4, 6-23</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims _____	YES
	Claims <u>1-4, 6-23</u>	NO
Industrial applicability (IA)	Claims <u>1-4, 6-23</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

Document 1: JP 11-066575 A (Nikon Corp.), 09 March 1999,
paragraphs [0059] and [0060] (Family: none)

Document 2: JP 2000-113458 A (Yamaha Corp.), 21 April
2000, paragraphs [0006] and [0007] (Family:
none)

Document 3: JP 2003-257025 A (TDK Corp.), 12 September
2003, paragraphs [0084] and [0085] & US
2005/0088942A & EP 1489601 A

Document 4: JP 5-151644 A (International Business
Machines Corp.), 18 June 1993, paragraph
[0044] & US 5255262 A & EP 0773541 A

Document 5: JP 2002-050053 A (TDK Corp.), 15 February
2002, paragraphs [0012] and [0019] & US
2002/0021656 A & EP 1178472 A

Claims 1 to 4, 12 to 14, 16, 19, 22 and 23

Document 1 discloses a multilayer optical disk and
a recording method for said multilayer optical disk,
wherein information is recorded upon each recording layer
in an optimal manner by changing the rotational speed of
the disk during the recording process in order to
accommodate the characteristics of each recording layer.

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
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Meanwhile, document 2 discloses an optical disk wherein information pertaining to the possible recording speeds has been recorded in the lead-in area, and also discloses an optical disk recording device that sets the rotational speed of the disk according to the possible recording speed information that is reproduced from the optical disk.

Consequently, it would not have been especially difficult to configure so that information pertaining to the optimal rotational speed for recording to each recording layer is recorded upon a multilayer optical disk in the light of the disclosures in documents 1 and 2.

Furthermore, techniques for changing recording conditions other than the rotational speed of the disk are well known, and thus it would have been obvious to a person skilled in the art that it is possible to record information pertaining to other recording conditions in addition to the information pertaining to the possible recording speeds.

Such being the case, the inventions set forth in claims 1 to 4, 12 to 14, 16, 19, 21, 22 and 23 do not involve an inventive step in the light of documents 1 and 2.

Claims 6 and 15

Document 2 (paragraph [0025]) discloses a feature wherein information for identifying a medium is recorded upon the medium itself.

Such being the case, the inventions set forth in claims 6 and 15 do not involve an inventive step in the light of documents 1 and 2.

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Claim 7

Document 2 (paragraph [0018]) discloses a feature wherein recording condition information is recorded upon a recording medium in advance.

Such being the case, the invention set forth in claim 7 does not involve an inventive step in the light of documents 1 and 2.

Claim 8

Document 3, which is newly cited in the present international preliminary examination report, discloses a multilayer optical disk and an optical disk device, and further indicates that the recording conditions are recorded in a rewritable state (paragraph [0085]).

Such being the case, the invention set forth in claim 8 does not involve an inventive step in the light of documents 1 to 3.

Claim 9

Techniques whereby information pertaining to the characteristics of a multilayer optical disk is collected and recorded on the side via which the recording/reproduction light enters said multilayer optical disk are well known as disclosed in document 4, which is newly cited in the present international preliminary examination report.

Such being the case, the invention set forth in claim 9 does not involve an inventive step in the light of documents 1 and 2.

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Claims 10 and 21

Document 5, which is newly cited in the present international preliminary examination report, discloses a multilayer optical disk and an optical disk device, and further presents a configuration wherein the recording conditions that are specific to each recording layer are recorded upon each respective recording layer (refer to paragraphs [0012] and [0019]).

Such being the case, the inventions set forth in claims 10 and 21 do not involve an inventive step in the light of documents 1, 2 and 5.

Claim 11

Document 1 (paragraph [0060]) discloses a configuration wherein there is an inverse relationship between the recording speed and the distance of the recording layer from the optical pickup.

Such being the case, the invention set forth in claim 11 does not involve an inventive step in the light of documents 1, 2 and 5.

Claims 17 and 18

Document 3 discloses a configuration wherein the recording strategy information for each layer of an optical disk is recorded upon said optical disk.

Such being the case, the inventions set forth in claims 17 and 18 do not involve an inventive step in the light of documents 1 to 3.

Claim 20

Optical disks that have a possible recording speed of 1x and a possible recording speed of Nx (wherein N

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represents an integer) are well known.

Such being the case, the invention set forth in
claim 20 does not involve an inventive step in the light
of documents 1 and 2.